

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:) **CASE NO. 13-18816**
)
CATHERINE CUNNINGHAM,) **CHAPTER 7 PROCEEDINGS**
)
Debtor.) **JUDGE MORGENSTERN-CLARREN**

MOTION FOR TURNOVER OF FUNDS UPON DEBTOR

Now comes Mary Ann Rabin, the duly-appointed Trustee herein, and says that:

1. This matter constitutes a core proceedings under 28 U.S.C. §157(b)(2)(A). This Court has jurisdiction over the parties and subject matter of this Motion pursuant to 28 U.S.C. §§ 57 and 1334. Venue is proper before this Court pursuant to 28 U.S.C. § 1409.
2. This case commenced when Catherine Cunningham (the “Debtor”) filed a voluntary petition on December 21, 2013, under Chapter 7 of the Bankruptcy Code. Mary Ann Rabin is the duly appointed Trustee.
3. The Debtor is entitled to federal and state tax refunds in the amount of \$4,846.00. Since the Debtor filed her petition on December 21, 2013, the pro-rated amount of the tax refund that is property of the estate, minus \$2,972.00 in earned income credit and additional child tax credit is \$1,822.66.
4. In addition, the Debtor had \$324.23 cash on hand on the date of filing. The total amount of cash that is property of the estate is \$2,146.89.
5. Of that sum, the Debtor has claimed \$616.23 in exemptions under the statutes of the State of Ohio.

6. Trustee is entitled to the immediate possession of the balance of these funds as property of the estate.

WHEREFORE, Trustee prays that the Debtor be directed forthwith to turnover to the Trustee the sum of \$1,530.66, which is the amount of \$2,146.89 less Debtor's exemption in the amount of \$616.23.

Respectfully submitted,

/s/Mary Ann Rabin
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S E R V I C E

The undersigned hereby certifies that a copy of the foregoing Motion was mailed this 20th day of March, 2014 by ordinary U.S. mail, postage prepaid, to:

Catherine Cunningham
924 East 248th Street
Euclid, OH 44123

ECF SERVICE:

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/s/Mary Ann Rabin
MARY ANN RABIN